

ASSEMBLY BILL

No. 2176

Introduced by Assembly Member Montanez

February 18, 2004

An act to add Chapter 12.7 (commencing with Section 42648) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as introduced, Montanez. Large venue and event recycling programs.

(1) Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities.

This bill would require the board, by June 30, 2005, to make available one or more model local agency ordinances to require a recycling program at large venues, consult with specified entities while developing the model ordinances, and post specified information on the board's Internet Web site.

The bill would require each local agency, which the bill would define as a city or a county, to provide specified information to large venues and large events located in the jurisdiction of the local agency and, by January 1, 2006, and annually thereafter, until January 1, 2008, provide the board with an estimate and description of the top 10% of large

venues and large events within its jurisdiction, based upon amount of waste generated.

The bill would require the board, by June 1, 2008, to evaluate the waste diversion rates and implementation of waste reduction and recycling programs in the top 10% of large venues and large events identified by each local agency. The bill would require the board, if it determines that less than 75% of large venues and large events have implemented a waste reduction and recycling program, to recommend to the Legislature those statutory changes needed to require existing large venues to implement such a program. The bill would also prohibit a local agency from making any land use decision or issuing any permit to a large venue that commences operations on or after January 1, 2009, unless the large venue incorporates waste reduction and recycling in its design and operating plans.

The bill would require each operator of a large venue and large event, by June 30, 2005, and on or before June 30 annually thereafter, to submit specified documentation to the local agency, upon request by the local agency.

The bill would require the board to provide technical assistance and tools with regard to implementing the bill's requirements.

The bill would impose a state-mandated local program by requiring local agencies to provide specified information and include specified requirements in the local permitting process.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Effective resource management techniques include preventing the creation of waste through conscientious purchasing of materials, buying recycled-content products, and reusing materials and goods, as well as resource recovery through recycling and composting.

(2) Experience in this state and others demonstrates that effective resource management conserves natural resources and reduces the need for additional landfill capacity.

(3) Experience also demonstrates that large venues generate substantial quantities of wastes, primarily corrugated cardboard, food waste, and compostables such as animal bedding; as well as beverage containers, paper, and glass.

(4) The community conservation corps has originated innovative recycling programs through partnerships formed with an assortment of schools, public agencies, and local organizations. These partnerships supplement existing services, further state and county waste studies, and assist in establishing conservation goals.

(b) Accordingly, it is the intent of the Legislature, in enacting this act, to do all of the following:

(1) Encourage increased opportunities for effective resource management for all consumers at large venues, including, but not limited to, large private, nonprofit, or publicly owned stadiums, sports arenas, theaters, halls, amusement parks, zoos, airports, fairgrounds, museums, and other large venue businesses.

(2) Make effective resource management convenient to consumers, and the Legislature hereby urges cities and counties to adopt ordinances relating to the siting of multiple material recycling opportunities at large venues or other types of resource management to enhance the overall success of effective resource management recycling in the state.

(3) Create a mechanism and provide incentives to aid cities and counties in complying with waste diversion requirements set forth in the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code).

(4) Encourage large venue facilities to meet with their local agency's recycling coordinator, community conservation corps, or other designated official to do the following:

(A) Determine the solid waste reduction and recycling activities that are appropriate for the large venue.

(B) Develop solid waste reduction and recycling goals and a plan of solid waste diversion and recycling activities that would achieve those solid waste reduction and recycling goals.

(C) Determine a timeline for implementation of the solid waste diversion and recycling plan and solid waste reduction and recycling goals.

SEC. 2. Chapter 12.7 (commencing with Section 42648) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 12.7. LARGE VENUE RECYCLING

42648. For purposes of this chapter, the following definitions apply:

(a) "Large event" means an event that charges an admission price and attracts an average of more than 2,000 visitors per day of operation of the event, including, but not limited to, a public, nonprofit, or private park, parking lot, golf course, street system, or other open space when being used for a public event, including, but not limited to, a sporting event or a flea market.

(b) "Large venue" means a venue facility that annually seats or serves an average of more than 2,000 visitors within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility.

(c) "Local agency" means a city or a county.

(d) "Visitor" means any individual who works at, or attends, a large venue or large event or any customer who is seated or served at the large venue or large event.

(e) For purposes of this chapter, unless a term is defined expressly for purposes of this chapter, the definitions specified in

Chapter 2 (commencing with Section 14502) of Division 12.1 apply to the terms used in this chapter.

42648.1. (a) On or before June 30, 2005, the board shall take all of the following actions:

(1) Make available one or more model ordinances that are suitable for modification by a local agency and that may be adopted by a local agency to facilitate a recycling program at large venues and in accordance with the requirements of this chapter.

(2) While developing the model ordinance, consult with representatives of the League of California Cities, the California State Association of Counties, private and public solid waste services and appropriate personnel involved with the operation and management of large venues.

(3) Post information on the board's Internet Web site on the methods by which large venue operators and large event managers can decrease waste and increase diversion of recyclable materials.

(4) Post information on the board's Internet Web site for local agencies, with examples of waste reduction, recycling and diversion programs, including, but not limited to, those operated by community conservation corps.

42648.2. (a) (1) Each local agency shall provide information to large venues and large events located in the jurisdiction of the local agency, on reducing and recycling solid waste and reducing litter related to events, venues, and the use of public areas, and provide contact information about where solid waste materials generated by large venues and large events may be donated, recycled, or composted. This information may include, but is not limited to, providing information using a Web site, direct mailings, or providing brochures or other literature when issuing use or operations permits for large events and large venues.

(2) On or before January 1, 2006, and annually thereafter until January 1, 2008, each local agency shall provide the board with an estimate and description of the top 10 percent of large venues and large events within its jurisdiction, based upon amount of waste generated. The information shall include the name, location, and a brief description of the venue or event, a brief description of the types of wastes generated, types, and estimated amount of materials diverted and existing programs that may be in effect at the large venue or large event to reduce, reuse, and recycle the wastes. This information shall be reported to the board as a part of

1 the local agency's annual report submitted pursuant to Section
2 41821.

3 (b) On or before June 1, 2008, the board shall evaluate the
4 waste diversion rates and implementation of waste reduction and
5 recycling programs in the top 10 percent of large venues and large
6 events identified by each local agency pursuant to paragraph (2)
7 of subdivision (a). If the board determines that less than 75 percent
8 of large venues and large events have implemented a waste
9 reduction and recycling program, both of the following actions
10 shall be taken.

11 (1) The board shall recommend to the Legislature those
12 statutory changes needed to require existing large venues to
13 implement a waste reduction and recycling program.

14 (2) A local agency shall not make any land use decision or issue
15 any permit to a large venue that commences operations on or after
16 January 1, 2009, unless the large venue incorporates waste
17 reduction and recycling in its design and operating plans. For
18 purposes of this paragraph, a land use decision or permit includes
19 the issuance of a land use permit or conditional use permit, the
20 granting of a variance, the subdivision of property, and the
21 modification of existing property lines pursuant to Title 7
22 (commencing with Section 65000) of the Government Code.

23 42648.3. On or before June 30, 2005, and on or before June
24 30 annually thereafter, each operator of a large venue and large
25 event shall submit to the local agency, upon request by the local
26 agency, written documentation of recycling, waste reduction, and
27 diversion programs, if any, implemented by the large venue or
28 large event, and the type and weight of materials recycled by that
29 large venue or large event.

30 42648.4. The board shall provide technical assistance and
31 tools to implement this chapter, to the extent feasible under
32 existing financial resources. This technical assistance may
33 include, but is not limited to, model documents, training, research
34 on solid waste management best practices, cost reduction, and
35 innovative products to assist local agencies and their large venues
36 to develop and implement effective resource management
37 programs.

38 SEC. 3. Notwithstanding Section 17610 of the Government
39 Code, if the Commission on State Mandates determines that this
40 act contains costs mandated by the state, reimbursement to local

1 agencies and school districts for those costs shall be made pursuant
2 to Part 7 (commencing with Section 17500) of Division 4 of Title
3 2 of the Government Code. If the statewide cost of the claim for
4 reimbursement does not exceed one million dollars (\$1,000,000),
5 reimbursement shall be made from the State Mandates Claims
6 Fund.

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